



**BOARD OF EXAMINERS FOR SOCIAL WORKERS**  
**4600 Kietzke Lane. C121, Reno, Nevada 89502 775-688-2555**

**MINUTES OF BOARD MEETING**  
**January 14, 2005**

The meeting of the Board of Examiners for Social Workers was called to order by President Amy Ellwood at 9:07 a.m. at the Community College of Southern Nevada, West Charleston Campus, 6375 W. Charleston Blvd, Building B Room 118, Las Vegas, Nevada. There was a simultaneous videoconference conducted at the University of Nevada, Reno, 1664 N. Virginia Street, Student Services Building, Room 219, Reno Nevada which was also available to any public member who wished to observe or participate. President Ellwood noted that the meeting had been noticed properly and that the five members present constituted a quorum for the purposes of the Board meeting.

**Members Present**

Amy Ellwood, LCSW President in Las Vegas  
Gil Johnstone, LASW Vice-President in Reno  
Ann Coleman, LASW, Secretary-Treasurer in Las Vegas  
Randy Reinoso, LSW Member in Las Vegas  
Anne Rhu, Public Member in Las Vegas

**Staff Present**

Rob Bony, Deputy Attorney General in Reno  
Rosalind Tuana, Executive Director in Reno

**Others Present**

Kris Scott, LSW, Las Vegas  
Larry Ashley, Ed.S., LADC, Las Vegas  
John Failla, LSW Las Vegas

**Consent Agenda**

**A. Licensure/Internship Applications**

1. Ratification of Approved License Applications (Attachment 1)
2. Ratification of Denied License Applications (Attachment 1)
3. Ratification of Approval of Internship Applications (Attachment 1)
4. Ratification of Denied Internship Applications (Attachment 1)

**B. Continuing Education**

1. Ratification of Approved Continuing Education Programs
2. Ratification of Denied Continuing Education Programs

**ACTION:** A motion was made by Ann Coleman and seconded by Anne Rhu to approve the consent agenda as presented. Motion PASSED unanimously.

**Disciplinary Matters**

**Consideration and Discussion, and Action of Consent Decrees**

Colin McCloy, LCSW 4041-C Cases 04-01 and G04-03 Rob Bony, Counsel to the Board in this matter noted that Mr. McCloy was not present but had been properly noticed and was aware that he was entitled to have counsel in this matter. Mr. McCloy currently is practicing out of state and is aware that his matter was going to be discussed at this meeting. Mr. Bony presented the consent decree to the Board.

The decree stipulated to the following violations:

1. A violation of NRS 641B.210(1) which states that records showing a client's problems and the scope of the licensee's services and information obtained from or about a client, including a licensee's personal knowledge of the client, must be maintained in a manner that ensures security and confidentiality.
2. A violation of NRS 641B.200(10) which states that a licensee shall not attempt to diagnose, prescribe, treat or advise on any problem outside his field of competence.
3. The foregoing facts constitute ground for initiating disciplinary action pursuant to NRS 641B.400.

The stipulated adjudication is as follows:

1. The Board will suspend the McCloy's license. This suspension will be stayed and McCloy will be placed on probation for a two-year period. During this probationary period, respondent agrees to comply with the following conditions:
  - A. McCloy must meet monthly with a Board approved social worker who will monitor McCloy's practice of any type of psychotherapeutic methods and techniques. Respondent will prepare and submit quarterly, which will be signed by the monitor and McCloy, to the Board.
  - B. During the two-year probationary period, McCloy will take 12 additional units of Board approved continuing education on the subjects of appropriate scope of practice and the administration of prescription drugs and client confidentiality.
  - C. Within 45 days of the approval and execution of the Consent decree, McCloy shall pay the Board \$500.00 in legal and investigative fees.
  - D. During the probationary period, McCloy agrees to inform his present employer and any future employer about this Consent Decree
  - E. Respondent will be financially responsible for all requirements of the consent decree.

After discussion on the proposed consent decree, a motion was made by Anne Rhu and seconded by Anne Coleman to accept the consent decree as presented. Motion passed unanimously.

Mary Pearson, LCSW 2213-C Case 03-24 Rob Bony, Counsel to the Board in this matter noted that Ms. Pearson also was not present but had been properly noticed and was aware that she was entitled to have counsel in this matter. Ms. Pearson is currently practicing out of state and is aware that his matter was going to be discussed at this meeting. Mr. Bony presented the consent decree to the Board.

The decree stipulated to the following violations:

1. A violation of NRS 641B.200(14) which states that a licensee shall prepare and maintain in a timely manner a record regarding each of his clients which sets forth his assessment of the problems issues, or concerns of the client and the scope of the licensee's services to that client.
2. The foregoing facts constitute ground for initiating disciplinary action pursuant to NRS 641B.400.

The stipulated adjudication is as follows:

3. The Board will impose of two year suspension of Pearson's license. Specifically, respondent agrees to comply with the following conditions:
  - a. Pearson agrees not to apply to reinstate or restore her license or to apply for a new license to practice social work for 2 years from the effective date of this Consent Decree. This time period shall begin upon execution of this Consent Decree by the presiding member of the Board.
  - b. If Pearson decides to apply to reinstate or restore her license or to apply for a new license to practice social work after this two year period, she agrees that she will meet all licensing requirements in effect at the time she applies to reinstate or restore her license or applies for a new license to practice social work.
  - c. Within 45 days of the approval and execution of the Consent decree, Pearson shall pay the Board \$500.00 in legal and investigative fees.
  - d. During the period of suspension, Pearson agrees to inform his present employer and any future employer about this Consent Decree
  - e. Respondent will be financially responsible for all requirements of the consent decree.

After discussion on the proposed consent decree, a motion was made by Randy Reinoso and seconded by Anne Rhu to accept the consent decree as presented. Motion passed unanimously.

Tonga Topou, LSW 2034-S (Exp) Case G03-07 Rob Bony, Counsel to the Board in this matter noted that he had made numerous attempts to contact Ms. Topou with notice that this matter would be heard at this meeting. To date, he has not heard from her. He recommended that the item be tabled until the next meeting. A motion was made by Gil Johnstone and seconded by Randy Reinoso to table the matter to the next meeting to allow time for Ms. Topou to receive appropriate notice. Motion passed unanimously.

### **Licensure, Intern and Application Issues**

#### **Kris Scott, Restoration Application Social Worker License #2291-S Appearance 9:30 a.m.**

Deputy Attorney General Bony indicated that the Board has a statutory right to go into closed session to discuss this matter if they so desire. President Ellwood asked if Ms. Scott would prefer to enter closed session. Ms. Scott indicated that she had no problem with the matter being heard in open session. The Executive Director indicated that Ms. Scott had applied for restoration of her license which had expired on October. On the restoration packet, Ms. Scott answered "yes" to question 6 which state "Have you had a problem related to the habitual use of alcohol or drugs or been diagnosed and/or treated for addiction?" Ms. Scott had included, as required, a statement of the events surrounding this answer, evidence of continuing treatment and a statement from her provider of care that her prognosis is favorable and she is not a danger to herself or anyone else. President Ellwood noted that Ms. Scott has self-reported to the Board which indicated a commitment to address the matter. Ms. Scott gave a short presentation and answered various questions from the Board. The Board discussed various options with Ms. Scott. After a further discussion, a motion was made by Gil Johnston and seconded by Ann Coleman to approve the application for restoration of Ms. Scott's license contingent upon her entering into a letter of agreement with the Board. The letter of agreement with Board will include a requirement that she submit quarterly progress reports to the Board describing her recovery process and, if requested by the Executive Director, agree to execute the appropriate written consents to authorize the Board contact any and all of her work supervisor(s); her Employee Assistance Provider(s); and her mental health professional(s) and/or substance abuse provider(s) involved in monitoring her employment and/or treatment. Motion passed unanimously.

### **Disciplinary Matters Continued**

#### **Recommendation to dismiss Case G04-07**

The Executive Director recommended the Board dismiss case G04-07 because there was no evidence of a violation of NRS 641B or NAC 641B. Ray Kendall, LCSW reviewed the file and concurred with the recommendation. A motion was made by Randy Reinoso and seconded by Ann Coleman to dismiss case G04-07 because there was no evidence of a violation of NRS 641B or NAC 641B. Motion passed unanimously.

#### **Disciplinary Report**

The Executive Director reviewed the disciplinary report with the Board. She noted that after the action taken at this meeting the Board will have 31 accusations. She and the Board counsel have identified a number of these cases that have been reviewed that will be placed on the next agenda for dismissal. At least two other cases are in negotiation for consent decrees. She anticipates that the Board could fall below 20 cases at the next meeting depending on how many new cases are open.

### **Legislative and Regulation Issues**

#### **Bill Draft List 2005 Legislative Session of Bills that may impact the Board**

The Executive Director noted that the Bill Draft Request (BDR) have jumped substantially since the last meeting. The ones that will impact the Board appear to number about 25. They are primarily bills regarding the open meeting law, some ethics bill, and a proposed BDR by Senator Carton that would affect all occupational Boards. At this time none of the BDR's have been printed, so the Board will have no idea how they will impact the Board until they are introduced in the session that will begin in February.

### **Policy Issues**

#### **Review, amend and approve new policy on Board's response to requests by licensees to verify in writing ability to do alcohol, drug and gambling practice**

The Executive Director reported that the Board office has received a number of requests to verify that a Clinical Worker can do drug and alcohol therapy. Typically she has told the licensees that the Board does not maintain specialty areas and only establishes minimum standards for practice. She reminds them that their education and training as a clinical social should have included training in these areas. She recommends that they maintain records which will show the specific experience, education and training in this area because they could be subject to disciplinary action if they are found to be working without competency in their area of practice. Most licensees who have contacted the Board have been satisfied with that explanation. Recently, the Board received a request for a written response to this matter. Accordingly, the staff determined that the Board should review the written request and determine what response the Board should provide. President Ellwood indicated that the Board office response appears to be appropriate. After further discussion on this matter, a motion was made by Gil Johnstone and seconded by Anne Rhu to direct the Board attorney and the Executive Director to write a generic letter that indicates that the Board cannot certify specialty area but outlines the requirements for clinical social workers, and includes a statement that the license could be subject to disciplinary action if practice out of his competency area. The letter is to be reviewed by President Ellwood and will be included on the next agenda for the Board's information. Motion passed unanimously.

#### **Review, amend and approve policy to waive or grant extension of continuing education requirement for renewal of a license for good cause to persons over 70 years of age who have been retired and not practiced in the previous two years**

Currently the Board will consider a waiver or extension for extenuating circumstances: life threatening illness, illness of their children or family which requires continuing care by the licensee, or other major life altering circumstance. The Executive Director noted that the Board has a number of older retired social workers who really identify with the profession and wish to maintain the license but may not have the time or resources to complete their continuing education retirement. The Board had requested in the last legislative session the ability to grant an inactive license; however the bill never even got a hearing. Retirees were one the reason we requested this bill. The staff is recommending an expansion of the good cause clause for retirees over 70 years old until we can get the legislation passed for an inactive status. After discussion, a motion was made by Gil Johnstone and seconded by Ann Coleman to approve a policy to waive or grant an extension of the continuing education requirement for renewal of a licensee for good cause for persons over 70 years of age who have been retired and have not practiced in the previous two years. If the licensee decides to return to practice they must complete all the outstanding required continuing education requirements. Motion passed unanimously.

#### **Review, amend, and approve new policy to destroy denied applicants files after three years as recommended under the General Retention Schedule for the State of Nevada (RDA 99083)**

The Executive Director reported that the office has copies of all the original application for licensure since the Board's inception. The amount of files in the office has become excessive. She is recommending that the Board adopt a policy as recommended under the General Retention Schedule for the State of Nevada. She also indicated that she would recommend that the Board adopt an exception to that policy that mandates the Board to retain the file of any person who had been denied because of poor moral character as it relates to the practice of social work. After discussion, a motion was made Anne Coleman and seconded by Gil Johnstone to approve a policy to destroy applications that have been denied after three years except for applicant's files who were denied for poor moral character as it relates to the practice of social work. Motion passed unanimously.

### **Continuing Education Appeals**

The Executive Director indicated that the staff had erroneously left off the star for this item. Therefore, the Board would be unable to take action on this item. She requested that this item be withdrawn from this agenda and be placed on the next agenda. The appeals for *Climb to the Summit of Successful Adolescent Group Therapy*, I104-24; *Internship in School Counseling*, I804-10; *Living Your Highest Vision*, 904-09; and AARP National Conference, I1204-03 will be placed on the next agenda.

### **ASWB (Association of Social Work Boards)**

#### **Report by Randy Reinoso re ASWB meeting**

Randy Reinoso indicated that he attended the ASWB at the request of the Executive Director who was unable to attend. He indicated that the meeting went well. The members of the association approved a measure to acquire land to build a new complex as the current site is too small. A new slate of officers was approved. He indicated that he enjoyed the networking opportunities with other states.

### **Deputy Attorney General Report**

Rob Bony noted that he did not have a big report. He indicated that his and the Executive Director's main goal is to continue to decrease the number of disciplinary cases. He also indicated that he wanted to compliment the Board members on their professionalism at the Board meetings.

### **Board Operations**

#### **Approval of Minutes September 10, 2004 Board meeting**

The Executive Director indicated that the final draft of the minutes had not been completed by this meeting. She asked to move it to the next meeting.

#### **LCB Biannual Report**

The Executive Director indicated that every two years just prior to the legislative session, the Board is required to submit a report of the Board activity for the previous two fiscal years. A copy of the report is included in the Board packet for their information.

### **Legislative and Regulation Issues-Continued**

#### **Request by Larry Ashley, Ed.S, LADC to discuss a proposed scope of practice change for Licensed Alcohol and Drug Counselors Appearance 11:00 a.m.**

Larry Ashley appeared before the Board to describe a bill that he has requested that will expand the scope of practice for Licensed Alcohol and Drug Counselors that hold Master's degrees in a Behavioral Field. He made a short presentation and answered questions from the Board. President Ellwood asked if he had copies of the language for the bill. Mr. Ashley indicated that he did not but that he would provide it to the Board once he received a copy. The Board indicated to Mr. Ashley that once they received the bill, the Board would be in a better position to provide him with comments.

### **Board Operations –Continued**

#### **Financial Report**

Approval of 2004-2005 Budget The Board reviewed the proposed budget. The Executive Director noted that the tort liability was shown incorrectly and should reflect \$1250 instead of \$18. A motion was made by Anne Rhu and seconded by Ann Coleman to approve the budget as corrected. Motion passed unanimously.

Approval of YTD 2003/2004 Financial Report A motion was made by Randy Reinoso and seconded Anne Rhu to approve the 2003/2004 Financial Report. Motioned passed unanimously.

Approval of Audit 2003/2004 A motion was made by Anne Rhu and seconded by Ann Coleman to approve the 2003/2004 Audit.

### **Presiding Officer's Report**

President Ellwood applauded the Deputy Attorney General Rob Bony and the Executive Director for moving the disciplinary cases along. She stated that Board appreciates their hard work. She indicated that she felt using the video conference to do the regular meeting was going well. She also requested an updated e-mail list for all Board members.

### **Board Operations Continued**

Personnel Matters: Annual Evaluation of the Executive Director A motion was made by Anne Coleman and seconded by Anne Rhu to enter in to closed session to discuss the annual evaluation of the Executive Director. Motion passed unanimously. A motion was made by Gil Johnstone and seconded by Ann Coleman to return to open session. Motion passed unanimously. A motion was made by Gil Johnstone and seconded by Anne Rhu to approve the evaluation of the Executive Director prepared by President Ellwood and grant her merit pay. Motion unanimously passed.

### **Executive Director's Report**

Review, Amend, and Approve Meeting Schedule 2005 The Board reviewed the proposed meeting schedule for the year 2005. The meetings are typically held the second Friday of the month. The Board recommended two changes: the March date should be set at March 18 and the September date to September 16. A motion was made by Randy Reinoso and seconded by Ann Coleman to approve the 2005 meeting schedule as amended. Motion passed unanimously.

Update on Fingerprinting The Executive Director reported that the Board is still waiting for its Federal Account number so the fingerprints can be processed. Once they have been received, the applications will be amended to notify applicants. Included in the Board packet was a list of the current sites that fingerprinting can be done. Many of these sites use digital fingerprinting.

Matters related to the office management The Executive Director indicated that Judy Martin will be retiring on March 4 rather than January 4 as initially planned. The new computers have arrived and, after some confusion with getting the right programs, have been up and running since November.

### **Policy Issues – Continued**

Review, amend and approve at the request of a licensee a policy regarding the ability of social workers to take physicians order's within the scope of a social worker's practice

Jon Failla, LSW appeared in supported of his request. He indicated that he made this request because his employer was unsure whether a social worker could take orders from a physician. He contacted the Board office and was told that there was nothing in the law or regulations for social worker's that prohibited a social worker from taking physician orders. When he asked for written verification of the statement, he was advised that such a request would need to come before the Board for approval. President Ellwood expressed surprise that this was an issue. She indicated that she takes physician's orders all the time at the Medical School where she is employed. Ann Coleman and Randy Reinoso also indicated that it was common practice in most medical facilities where they had worked for

a social worker to take physician orders. President Ellwood noted that it was not uncommon for many disciplines to take orders from a physician as long as it was in their scope of practice. Deputy Attorney General Bony expressed concern that this matter may be an employment issue as opposed to Board issue. He cautioned about responding to an issue that may be employment related. In response to a question from Mr. Failla, Mr Bony noted that it appeared to be implicit in the practice act that a social worker could take orders from a physician in order to carry out the responsibilities of their jobs. Gil Johnstone expressed concern about establishing a policy that could be misconstrued by other social workers who were not working in medical centers. After further discussion, a motion was made by Randy Reinoso and seconded by Ann Coleman to table this item until further information could be gathered. Motion passed unanimously. President Ellwood indicated that the Board should look at how other jurisdictions are handling such requests, review the NASW standards and contact the Medical Board for their input. President Ellwood noted that the Executive Director had already contacted the Nursing Board about this matter. The Nursing Board indicated it saw no reason why a social worker could not take physician's order in his scope of practice. She directed the staff to place this item on the next agenda.

#### **Public Comment**

There was no further public comment.

#### **Adjournment**

ACTION: A motion was made by Anne Rhu and seconded by Gil Johnstone to adjourn the meeting at 1:03 p.m. Motion passed unanimously.

Respectfully prepared by

Rosalind Tuana  
Executive Director